IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI. APPL. NO.6644 OF 2005
TO
CRI. APPL. NO.6647 OF 2005
WITH
CRI. APPL. NO. 6650 OF 2005
TO
CRI. APPL. NO. 6653 OF 2005

Haryax Plastic Products Co.
Pvt. Ltd. and Ors. ..Applicants

Vs.

State of Maharashtra & Anr. ..Respondents

...

Ms.Sonia Miskai for Mr.Piyush Shah for
Applicants
Mr.V.B.Konde-Deshmukh A.P.P. for the State
in 6644 and 6651 of 2005
Mr.B.H.Mehta A.P.P. for the State in
6645 and 6652 of 2005
Mr.R.S.Khadapkar A.P.P. for the State in
6646 and 6653 of 2005
Mr.U.V.Nikam A.P.P. for the State in
6647 of 2005
Ms.S.V.Gajare A.P.P. for the State in
6650 of 2005

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 14, 2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State in all the

matters.

2. The applicants are seeking quashing of proceedings relating to Criminal Case Nos.2767/SS/2005, 2770/SS/2005, 2768/SS/2005, 2921/SS/2005, 2920/SS/2005, 270/SS/2005, 2769/SS/2005 & 2771/SS/2005 pending before the Chief Metropolitan Magistrate, 43rd Court, Borivli, Mumbai. In the said case, process has been issued against the applicants under Section 138 of Negotiable Instruments Act. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. It is further submitted that if the process issued against the applicants is set aside, the proceedings in respect of the applicants, would come to an end.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against

the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]